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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/811,073 | 03/26/2004 | Wolfgang Papiernik | PAPIERNIK-3 | 8071 |
| 20151 | 7590 | 05/08/2006 | EXAMINER | |
| HENRY M FEIEREISEN, LLC | | | DAVIS, OCTAVIA L | |
| 350 FIFTH AVENUE | | | ART UNIT | |
| SUITE 4714 | | | PAPER NUMBER | |
| NEW YORK, NY 10118 | | | 2855 | |

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/811,073 | PAPIERNIK ET AL. | |
| | Examiner | Art Unit | |
| | Octavia Davis | 2855 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/5/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pettersson (5,505,004).

Regarding claim 1, 2 and 5, Pettersson discloses a machine frame comprising primary crossbeams 5, 11 disposed between respective movable support elements 6, 7 – 9 supporting the machine, rigid secondary crossbeams 4, 12 that extend parallel to the respective primary crossbeam and that is disposed between the support elements 6, 7 - 9 and a measuring probe 1 connected to the respective primary crossbeam to measure bending of the primary crossbeam relative to the secondary crossbeam (See Col. 3, lines 36 – 60, Col. 4, lines 62 – 67 and Col. 5, lines 1 – 2 and (Col. 6, lines 31 - 47, See Figs. 1, 3a and 6).

Regarding claims 3 and 4, the secondary crossbeam 2, 12 and the primary crossbeam 5, 11 differ in rigidity (See Col. 4, lines 14 – 26 and 45 – 50).

Regarding claims 6 and 7, the measuring probe 1 includes an optical measuring probe (See Col. 7, lines 57 – 67 and Col. 8, lines 1 – 3).

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Regarding claim 8, the secondary crossbeam 2 includes a rod or bar element (See Col. 3, lines 41 – 47) and the measuring probe includes inductive and capacitive measurement (See Col. 7, lines 66 – 67 and Col. 8, lines 1 – 3).

Regarding claim 9, the support elements 6, 8, 9 are movable in a direction of motion perpendicular to a longitudinal extent of the respective primary crossbeam 5, 11 (See Col. 5, lines 5, lines 31 – 33 and Col. 6, lines 43 – 55 and Fig. 3).

Regarding claim 12, the rigid second crossbeam 4 has two ends and is supported at the two ends by the support elements 6 (See Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersson (004) in view of Pettersson (5,287,629).

Regarding claims 10 and 11, Pettersson discloses all of the limitations of these claims except that the secondary crossbeam has a cross-sectional profile defined by a height and width sized to maximize a geometrical moment of inertia of the secondary crossbeam in the direction of motion. However, Pettersson (629) discloses a machine stand and a method of constructing it comprising a beam 42 and means that determines parameters of the beam, the parameters

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including length A, B, a calculated value G that represents the moment of inertia of the beam and the wall thickness of the beam (See Col. 5, lines 30 – 53, Col. 7, lines 57 – 68 and Col. 8, lines 1 – 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pettersson (004) according to the teachings of Pettersson (629) for the purpose of, constructing a machine stand for coordinate measuring machines that determines deformation of the structure (See Pettersson (629), Col. 1, lines 40 – 60).

Response to Arguments

5. Applicant's arguments filed 4/5/06 have been fully considered but they are not persuasive. In response to applicant's arguments that the references do not disclose "*movable support elements, a rigid crossbeam extending parallel to the primary crossbeam and a probe measuring deflection of the primary crossbeam to the secondary crossbeam*", it is the examiner's position that in Pettersson (5004), the deflectable primary crossbeam 5 (See Col. 4, lines 9 – 13, 27 – 33 and 40 – 44, See Fig. 3b) is disposed between and attached to a pair of deflectable and deformable support elements 6 (See Col. 4, lines 9 – 13 and 40 – 44, See Fig. 3b), a measuring probe 1 (See Col. 3, lines 54 – 60) is connected to the crossbeam 5 and measures the deflection of the crossbeam 5 to the secondary crossbeam 6, the deformation also being measured by an optic sensor or an electronic contactless sensor (See Col. 7, lines 60 – 62). Also, the leg or support member 9 is "flexurally rigid" but linearly displaceable in the Y-direction (See Col. 5, lines 28 – 34 and Col. 6, lines 1 – 13 and 32 – 39), the crossbeam 11 is deflectable in that it experiences a downward bending (See Col. 5, lines 49 – 53), the leg or support member 8 id

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deflectable in that it experiences an outward bending or flexing (See Col. 6, lines 24 – 27 and 56 – 62) and the crossbeam 4 extends parallel to the primary crossbeam 5 (See Col. 3, lines 39 – 41, See Fig. 1), thus the references still stand.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mon through Fri from 9 to 5. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ootama Davis

OD/2855

5/4/06


MAX NOORI
PRIMARY EXAMINER